

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FINIS V. LEMON,

Defendant.

8:09CR30

ORDER

Defendant Finis V. Lemon (Lemon), appeared before the court on August 12, 2015, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 31). Lemon was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Lemon waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Lemon should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Lemon presented no evidence but requested release to his parent's home under conditions. Since it is Lemon's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Lemon has failed to carry his burden and that Lemon should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:30 p.m. on October 16, 2015**. Defendant must be present in person.

2. Defendant Finis V. Lemon is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 12th day of August, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge